

AMENDED IN SENATE JUNE 26, 1997
AMENDED IN ASSEMBLY MAY 6, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 699

Introduced by Assembly Member Migden

February 26, 1997

An act to amend Section 33492.5 of, ~~and to add Article 8 (commencing with Section 33494.1) to Chapter 4.5 of Part 1 of Division 24 of,~~ the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

AB 699, as amended, Migden. Redevelopment: ~~military base closure~~ *Migden Treasure Island Conversion Act of 1997.*

Existing law, known as the Community Redevelopment Law, authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight, as defined, in those communities. Under existing law, in any community in which a military base is located and the federal Base Closure Commission has voted to close that military base, and the action of the commission has been sustained by the President and Congress of the United States, a project area may be adopted by a city or county pursuant to the Community Redevelopment Law if the project area is located entirely within the boundaries of a city, or entirely within the unincorporated area of a county, respectively.

This bill would state that these provisions also would be applicable to a local government that is a city and county where the military base, closed pursuant to those provisions, is located entirely within the boundaries of a city and county.

This bill also would *establish the Migden Treasure Island Conversion Act of 1997, which would authorize the City and County of San Francisco by resolution, to ~~vest in~~ designate the Treasure Island Development Authority and any successor entity thereof as the redevelopment agency with all of the rights, powers, privileges, immunities, authorities, and duties granted to a redevelopment agency pursuant to the Community Redevelopment Law for the purpose of acquiring, using, operating, maintaining, converting, and redeveloping Naval Station Treasure Island, as described, and to be considered a redevelopment agency for all purposes under state law.*

The bill would grant the Treasure Island Development Authority the complete power, among other things, to administer and control the trust property, as defined, including the public trust for commerce, navigation, and fisheries of all affected former and existing tide and submerged lands, subject to specified restrictions and subject to specified duties and responsibilities of the State Lands Commission in connection therewith. The bill additionally would state the intent of the Legislature that, among other things, its provisions provide a means for mitigating the serious economic effects of the closure of the Naval Station Treasure Island on the City and County of San Francisco, its surrounding communities, and the State of California by vesting a single entity with redevelopment authority over that property and, with respect to that portion of the affected property subject to the public trust for commerce, navigation, and fisheries, the power to administer the trust as specified in its provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes.
State-mandated local program: no.



The people of the State of California do enact as follows:

1 SECTION 1. *This act shall be known and may be cited*
2 *as the Migden Treasure Island Conversion Act of 1997.*

3 SEC. 2. Section 33492.5 of the Health and Safety Code
4 is amended to read:

5 33492.5. (a) In any community in which a military
6 base is located, the Base Closure Commission has voted to
7 close that military base, and the action of the Base Closure
8 Commission has been sustained by the President and
9 Congress of the United States, a project area may be
10 adopted pursuant to the following requirements:

11 (1) If the project area is located entirely within the
12 boundaries of a city, or city and county, then the
13 redevelopment agency of the city, or city and county,
14 may adopt the redevelopment project area pursuant to
15 this part as modified by this chapter.

16 (2) If the project area is located entirely within the
17 unincorporated area of a single county, then the county
18 redevelopment agency may adopt the redevelopment
19 project area pursuant to this part as modified by this
20 chapter.

21 (3) If the project area includes property within the
22 jurisdictions of two or more cities, or two or more
23 counties, or a city and a county, or any combination of the
24 foregoing, then all of the cities and counties the
25 jurisdictions of which include property within the
26 boundaries of the military base and any other territory to
27 be included within the redevelopment project area may
28 enter into a joint powers agreement, an agreement
29 entered into pursuant to Section 33210, or other
30 appropriate agreement for the purpose of creating a
31 redevelopment agency and adopting a project area
32 pursuant to this part as modified by this chapter.

33 (b) A redevelopment agency to which this chapter is
34 applicable may adopt a project area either pursuant to
35 this chapter or pursuant to other relevant provisions of
36 this part.

~~SEC. 2. Article 8 (commencing with Section 33494.1) is added to Chapter 4.5 of Part 1 of Division 24 of the Health and Safety Code, to read:~~

~~Article 8. Naval Station Treasure Island~~

~~33494.1. (a) The legislative body of the City and County of San Francisco may, by resolution, vest in the Treasure Island Development Authority, a nonprofit corporation established by the City and County of San Francisco (the Authority), and any successor agency or entity of the Authority, all of the rights, powers, privileges, immunities, authorities, and duties granted to a redevelopment agency pursuant to this part, as modified pursuant to this chapter, for the purpose of acquiring, using, operating, maintaining, converting, and redeveloping that certain property commonly known as Naval Station Treasure Island (Treasure Island):~~

~~(b) For purposes of this article, Treasure Island includes the following lands:~~

~~PARCEL 1. All that certain real property, commonly known as Treasure Island, in the Bay of San Francisco, City and County of San Francisco, State of California, described as follows:~~

~~BEGINNING at a monument established near the Westerly end of Yerba Buena Island by the United States Coast and Geodetic Survey about 75 feet above high tide, known and designated by said survey as Station Goat, located at latitude 37°48'40.387" North, longitude 122°22'17.657" West (values as determined by the United States Coast and Geodetic Survey as of the year 1930), and running thence North 28° West a distance of 8,000 feet; thence North 62° East a distance of 4,500 feet; thence South 28° East a distance of 8,000 feet; thence South 62° West a distance of 4,500 feet to the point of beginning; all bearings being referred to the true meridian through said Station Goat, excepting from said grant that portion of the lands above particularly described, lying northerly of Yerba Buena Island and adjacent thereto, extending from high water mark to 900 feet beyond low water mark the~~

1 ~~latter portion so excepted being a part of the lands~~
2 ~~granted and ceded by the State of California to the United~~
3 ~~States of America by that certain act of the Legislature of~~
4 ~~the State of California entitled, "An Act Relinquishing to~~
5 ~~the United States of America the title of This State to~~
6 ~~Certain Lands", approved March 9, 1897.~~

7 ~~TOGETHER with and including all rights, titles,~~
8 ~~estates and interests in and to the lands, causeways, and~~
9 ~~improvements, including ramps and bridges, affording or~~
10 ~~constituting means or areas of access to and from the~~
11 ~~Yerba Buena Island outlets or terminals of San Francisco~~
12 ~~Bay Bridge and the said property hereinabove referred~~
13 ~~to and described as Treasure Island.~~

14 ~~PARCEL 2. All that certain real property, commonly~~
15 ~~known as Yerba Buena Island or Goat Island, in the Bay~~
16 ~~of San Francisco, City of County of San Francisco, State~~
17 ~~of California.~~

18 ~~TOGETHER with and including all rights, titles,~~
19 ~~estates and interests in and to the lands, causeways, and~~
20 ~~improvements, including ramps and bridges, affording or~~
21 ~~constituting means or areas of access to and from the~~
22 ~~Yerba Buena Island outlets or terminals of San Francisco~~
23 ~~Bay Bridge and the said property hereinabove referred~~
24 ~~to and described as Yerba Buena Island.~~

25 ~~(e) The City and County of San Francisco may, in the~~
26 ~~establishment and oversight of the authority established~~
27 ~~pursuant to this article, make, and from time to time~~
28 ~~amend and repeal, rules and regulations consistent with~~
29 ~~this article to carry into effect the purposes and powers~~
30 ~~authorized by this article.~~

31 *SEC. 3. (a) The Legislature finds and declares all of*
32 *the following:*

33 *(b) It is the intent of the Legislature with the*
34 *enactment of this act to provide a means for mitigating*
35 *the serious economic effects of the closure of Naval*
36 *Station Treasure Island on the City and County of San*
37 *Francisco, its surrounding communities, and the State of*
38 *California by vesting a single entity with redevelopment*
39 *authority over the property and, with respect to that*
40 *portion of the property subject to the public trust for*

1 navigation, commerce, and fisheries, the power to
2 administer the trust.

3 (1) That property known as Naval Station Treasure
4 Island, which includes Treasure Island and Yerba Buena
5 Island, was selected for closure and disposition by the
6 Base Realignment and Closure Commission in 1993,
7 acting under Public Law 101-510 and its subsequent
8 amendments, and is scheduled for operational closure on
9 October 1, 1997. The conversion of Naval Station
10 Treasure Island to productive civilian reuse presents
11 unique redevelopment issues which would be best
12 addressed by an agency created specifically for that
13 purpose.

14 (2) All former and existing tide and submerged lands
15 on the Naval Station, including all of Treasure Island and
16 portions of Yerba Buena Island, will be subject to the
17 public trust for navigation, commerce, and fisheries upon
18 their release from federal ownership. In the absence of
19 legislative action, this property would automatically be
20 brought under the jurisdiction of the Port of San
21 Francisco pursuant to, and subject to the terms and
22 requirements of, the Burton Act (Chapter 1333 of the
23 Statutes of 1968).

24 (3) Certain buildings and other structures constructed
25 on Treasure Island during the period of federal
26 ownership were built for nontrust purposes and are not
27 adaptable for trust related uses. These buildings and
28 structures are in various stages of their useful lives, some
29 having been constructed only a few years prior to the
30 scheduled closure. The conversion of the lands
31 underlying these buildings and structures to trust uses in
32 the future should proceed in a manner that will enable
33 the people of this state to benefit from the substantial
34 investments made in these structures without hindering
35 the overall goal of preserving the public trust.

36 (4) Treasure Island also contains hangars that were
37 built for maritime aviation purposes. These structures
38 may be utilized for trust uses in the future, but no trust
39 related use has been identified for them in the near term.



1 (5) *The creation of a single public agency that is vested*
2 *with both redevelopment authority and the power to*
3 *administer the trust will facilitate the conversion of Naval*
4 *Station Treasure Island to productive civilian reuse and*
5 *is in the best interests of the people of this state.*

6 SEC. 4. *For the purposes of this act:*

7 (a) *“Property” means that property commonly*
8 *known as Naval Station Treasure Island, which includes*
9 *Treasure Island and Yerba Buena Island, and is more*
10 *particularly described as follows:*

11 *All of the land acquired from the City and County of*
12 *San Francisco as described in the Judgement of the*
13 *Declaration of Taking for Civil Action 22164-W filed in*
14 *the District Court of the United States in and for the*
15 *Northern District of California, Southern Division on*
16 *April 17, 1942, and being more particularly described as*
17 *follows:*

18 *Beginning at a monument established near the*
19 *westerly end of Yerba Buena Island by the United States*
20 *Coast and Geodetic Survey about 75 feet above high tide,*
21 *known and designated by said survey as Station Goat,*
22 *located at latitude 37° 48' 40.387" North, longitude 122° 22'*
23 *17.657" West (values as determined by the United States*
24 *Coast and Geodetic Survey as of the year 1930) and*
25 *running thence N 28° W a distance of 8,000 feet, thence*
26 *N 62° E a distance of 4,500 feet, thence S 28° E a distance*
27 *of 8,000 feet, thence S 62° W a distance of 4,500 feet to the*
28 *point of beginning; all bearings being referred to the true*
29 *meridian through said Station Goat, excepting from said*
30 *grant that portion of the lands above particularly*
31 *described, lying northerly of Yerba Buena Island and*
32 *adjacent thereto, extending from high water mark to 900*
33 *feet beyond low water mark, the latter portion so*
34 *expected being a part of the lands granted and ceded by*
35 *the State of California to the United States of America by*
36 *that certain Act of the Legislature of the State of*
37 *California entitled “An Act relinquishing to the United*
38 *States of America the title of this State to certain land”,*
39 *approved March 9, 1897.*

40 *ALONG WITH*

1 All of the tide and submerged land situated at Treasure
2 Island Naval Station acquired from the State of California
3 by the United States of America by the Act of Legislature
4 of the State of California on March 9, 1897.

5 EXCEPTING therefrom that portion of those lands
6 granted by this act lying southeasterly of a line shown on
7 the Department of the Navy, Naval Facilities
8 engineering Command Real Estate Summary Map
9 having NAVFAC DWG NOs. 1296802 and 1296803, and
10 being the boundary between the Treasure Island Naval
11 Station and the Lands Owned by the United States Coast
12 Guard, said line more particularly described as follows:

13 Commencing at a point that bears S 20° 02' W 951 feet
14 from a granite monument shown on the above described
15 map as point number 102, thence S 03° 50' W 910 feet more
16 or less to a point 300 yards beyond the low-water mark
17 and being the waterward limits of the tide and
18 submerged land acquired by the United States of
19 America by the Act of the Legislature of the State of
20 California on March 9, 1897, said point being the TRUE
21 POINT OF BEGINNING of the herein described line;
22 thence along said line the following courses: N 03° 50' E
23 910 feet; thence N 39° 54' E 562.54 feet; thence S 80° 35' 16"
24 E 450.04 feet; thence N 82° 04' 07" E 81.46 feet to a curve
25 to the left having a radius of 276.66', through a central
26 angle of 61° 05' 20", along an arc a distance of 294.98 feet;
27 thence N 6° 49' 07" W 101.83 feet; thence N 02° 14' 18" E
28 21 feet; thence N 0° 37' 33" E 24.72 feet; thence N 02° 42'
29 24" W 113.30 feet; thence N 89° 02' E 179.26 feet; thence
30 along a curve to the left whose radius bears S 71° 57' W 150
31 feet, through a central angle of 26° 24', along an arc a
32 distance of 234.99 feet; thence along a curve whose radius
33 bears S 45° 33' W 43 feet, through a central angle of 67° 33',
34 along an arc a distance of 50.70 feet; thence along a curve
35 to the left having a radius of 91 feet, through a central
36 angle of 83° 09', and having a chord that bears N 26° 25' 30"
37 E 120.78 feet; thence N 43° 15' 40" E 125.84 feet; thence
38 along a curve to the right having a radius which bears N
39 51° 39' E 200 feet, through a central angle of 69° 45', along
40 an arc a distance of 243.47 feet; thence N 51° 29' E 130 feet;

1 *thence S 80° 27' 26" E 156.06 feet; thence N 53° 13' 15" E*
2 *274.53 feet; thence S 02° 49' 34" W 574.47 feet; thence S 15°*
3 *38' 44" E 241.28 feet; thence S 84° 12' W 25 feet; thence S*
4 *05° 48" E 40.4 feet; thence N 85° 00' E 900 feet more or less*
5 *to a point three hundred yards beyond the low water*
6 *mark of San Francisco Bay being the waterward limit of*
7 *the tide and submerged land acquired by the United*
8 *States of America by the Act of Legislature of the State of*
9 *California on March 9, 1897.*

10 *ALONG WITH*

11 *Those lands described in the Executive Order dated*
12 *November 6, 1850, for Yerba Buena Island (Goat Island)*
13 *situated upland from the Ordinary High Water Mark of*
14 *San Francisco Bay;*

15 *EXCEPTING THEREFROM that portion of Yerba*
16 *Buena Island lying southeasterly of a line shown on the*
17 *Department of the Navy, Naval Facilities Engineering*
18 *Command Real Estate Summary Map having NAVFAC*
19 *DWG NO. 1296803 amended March 6, 1990, and being the*
20 *boundary between the Treasure Island Naval Station and*
21 *the Lands Owned by the United States Coast Guard and*
22 *more particularly described as follows: Commencing at a*
23 *point that bears S 89° 02' W 403.34 feet and S 39° 53' 48" W*
24 *340 feet from a granite monument shown on the above*
25 *map as point number 102, thence S 39° 54' W 562.5 feet*
26 *more or less to the intersection with the ORDINARY*
27 *HIGH WATER MARK of San Francisco Bay, said point*
28 *being the TRUE POINT OF BEGINNING of the herein*
29 *described line; thence along the boundary the following*
30 *courses: N 39° 54' E 562.54 feet; thence S 80° 35' 16" E*
31 *450.04 feet; thence N 82° 04' 07" E 81.46 feet to a curve to*
32 *the left having a radius of 276.66 feet, through a central*
33 *angle of 61° 05' 20", along an arc a distance of 294.98 feet;*
34 *thence N 6° 49' 07" E 101.83 feet; thence N 02° 14' 18" E*
35 *21 feet; thence N 0° 37' 33" E 24.72 feet; thence N 02° 42'*
36 *24" W 113.30 feet; thence N 89° 02' E 179.26 feet; thence*
37 *along a curve to the left whose radius bears S 71° 57' W 150*
38 *feet, through a central angle of 26° 24', along an arc a*
39 *distance of 234.99 feet; thence along a compound curve*
40 *whose radius bears S 45° 33' W 43', through a central angle*

1 of $67^{\circ} 33'$, along an arc a distance of 50.70 feet; thence
2 along a curve to the left having a radius of 91 feet, through
3 a central angle of $83^{\circ} 09'$, and having a chord that bears N
4 $26^{\circ} 25' 30''$ E 120.78 feet; thence N $43^{\circ} 15' 40''$ E 125.84 feet;
5 thence along a curve to the right having a radius which
6 bears N $51^{\circ} 39'$ E 200 feet, through a central angle of 69°
7 $45'$, along an arc a distance of 243.47 feet; thence N $51^{\circ} 29'$
8 E 130 feet; thence S $80^{\circ} 27' 26''$ E 156.06 feet; thence N 53°
9 $13' 15''$ E 274.53 feet more or less to the approximate mean
10 high water line 1965 as shown on the above referenced
11 map and the end of the herein described line.

12 (b) "Trust Property" means that portion of the
13 property consisting of those existing and former tidelands
14 and submerged lands commonly known as Treasure
15 Island, together with all existing and former tide and
16 submerged lands on Yerba Buena Island, all of which are
17 subject to the public trust for navigation, commerce, and
18 fisheries. The Trust Property is more particularly
19 described as follows:

20 All of the land acquired from the City and County of
21 San Francisco as described in the Judgement of the
22 Declaration of Taking for Civil Action 22164-W filed in
23 the District Court of the United States in and for the
24 Northern District of California, Southern Division on
25 April 17, 1942, and being more particularly described as
26 follows:

27 BEGINNING at a monument established near the
28 westerly end of Yerba Buena Island by the United States
29 Coast and Geodetic Survey about 75 feet above high tide,
30 known and designated by said survey as Station Goat,
31 located at latitude $37^{\circ} 48' 40.387''$ North, longitude $122^{\circ} 22'$
32 $17.657''$ West (values as determined by the United States
33 Coast and Geodetic Survey as of the year 1930) and
34 running thence N 28° W a distance of 8,000 feet, thence
35 N 62° E a distance of 4,500 feet, thence S 28° E a distance
36 of 8,000 feet, thence S 62° W a distance of 4,500 feet to the
37 point of beginning; all bearings being referred to the true
38 meridian through said Station Goat, excepting from said
39 grant that portion of the lands above particularly
40 described, lying northerly of Yerba Buena Island and

adjacent thereto, extending from high water mark to 900 feet beyond low water mark, the latter portion so expected being a part of the lands granted and ceded by the State of California to the United States of America by that certain Act of the Legislature of the State of California entitled "An Act relinquishing to the United States of America the title of this state to certain land", approved March 9, 1897.

ALONG WITH

All of the tide and submerged land situated at Treasure Island Naval Station acquired from the State of California by the United States of America by the Act of Legislature of the State of California on March 9, 1897.

EXCEPTING therefrom that portion of those lands granted by this act lying southeasterly of a line shown on the Department of the Navy, Naval Facilities Engineering Command Real Estate Summary Map having NAVFAC DWG NOs. 1296802 and 1296803, and being the boundary between the Treasure Island Naval Station and the Lands Owned by the United States Coast Guard, said line more particularly described as follows:

Commencing at a point that bears S 20° 02' W 951 feet from a granite monument shown on the above described map as point number 102, thence S 03° 50' W 910 feet more or less to a point 300 yards beyond the low-water mark and being the waterward limits of the tide and submerged land acquired by the United States of America by the Act of the Legislature of the State of California on March 9, 1897, said point being the TRUE POINT OF BEGINNING of the herein described line; thence along said line the following courses: N 03° 50' E 910 feet; thence N 39° 54' E 562.54 feet; thence S 80° 35' 16" E 450.04 feet; thence N 82° 04' 07" E 81.46 feet to a curve to the left having a radius of 276.66', through a central angle of 61° 05' 20", along an arc a distance of 294.98 feet; thence N 6° 49' 07" W 101.83 feet; thence N 02° 14' 18" E 21 feet; thence N 0° 37' 33" E 24.72 feet; thence N 02° 42' 24" W 113.30 feet; thence N 89° 02' E 179.26 feet; thence along a curve to the left whose radius bears S 71° 57' W 150 feet, through a central angle of 26° 24', along an arc a

1 distance of 234.99 feet; thence along a curve whose radius
2 bears S 45° 33' W 43 feet, through a central angle of 67° 33',
3 along an arc a distance of 50.70 feet; thence along a curve
4 to the left having a radius of 91 feet, through a central
5 angle of 83° 09', and having a chord that bears N 26° 25' 30"
6 E 120.78 feet; thence N 43° 15' 40" E 125.84 feet; thence
7 along a curve to the right having a radius which bears N
8 51° 39' E 200 feet, through a central angle of 69° 45', along
9 an arc a distance of 243.47 feet; thence N 51° 29' E 130 feet;
10 thence S 80° 27' 26" E 156.06 feet; thence N 53° 13' 15" E
11 274.53 feet; thence S 02° 49' 34" W 574.47 feet; thence S 15°
12 38' 44" E 241.28 feet; thence S 84° 12' W 25 feet; thence S
13 05° 48" E 40.4 feet; thence N 85° 00' E 900 feet more or less
14 to a point three hundred yards beyond the low water
15 mark of San Francisco Bay being the waterward limit of
16 the tide and submerged land acquired by the United
17 States of America by the Act of Legislature of the State of
18 California on March 9, 1897.

19 EXCEPTING THEREFROM those lands described in
20 the Executive Order dated November 6, 1850 for Yerba
21 Buena Island (Goat Island) situated upland from the
22 Ordinary High Water Mark of San Francisco Bay.

23 (c) "Authority" means the Treasure Island
24 Development Authority, a nonprofit public benefit
25 corporation established by the City and County of San
26 Francisco.

27 (d) The provisions of this act shall not apply to any
28 portion of or interest in the Property, including any
29 portion of or interest in the Trust Property, whether real
30 or personal, that is owned by or under the jurisdiction or
31 control of the California Department of Transportation.

32 SEC. 5. (a) Notwithstanding Article 2 (commencing
33 with Section 33110) of Chapter 2 of Part 1 of Division 24
34 of the Health and Safety Code, the legislative body of the
35 City and County of San Francisco may, by resolution,
36 designate the Authority or any successor entity or agency
37 of the Authority as the redevelopment agency with all of
38 the rights, powers, privileges, immunities, authorities and
39 duties granted to a redevelopment agency pursuant to
40 Part 1 (commencing with Section 33000) of Division 24 of

1 *the Health and Safety Code, for the purpose of acquiring,*
2 *using, operating, maintaining, converting, and*
3 *redeveloping the property. Upon adoption of that*
4 *resolution, the Authority shall be considered a*
5 *redevelopment agency for all purposes under state law,*
6 *including, but not limited to, the purposes of Section*
7 *21090 of the Public Resources Code.*

8 *(b) Notwithstanding any state or local law, including,*
9 *without limitation, Section 33111 of the Health and Safety*
10 *Code, the Board of Directors of the Authority may*
11 *include individuals who are officers or employees of the*
12 *City and County of San Francisco or of the San Francisco*
13 *Redevelopment Agency and those individuals are not*
14 *precluded, solely by virtue of their status as officers or*
15 *employees of the City and County of San Francisco or the*
16 *San Francisco Redevelopment Agency, from*
17 *participating in decisions as members of the Board of*
18 *Directors. Notwithstanding Section 1090 of the*
19 *Government Code and San Francisco Charter Section*
20 *8.105, officers and employees of the City and County of*
21 *San Francisco or the San Francisco Redevelopment*
22 *Agency are not precluded, solely by virtue of their*
23 *services as members of the Board of Directors, from*
24 *participating in any decisions in their capacities as officers*
25 *or employees of the City and County of San Francisco or*
26 *the San Francisco Redevelopment Agency.*

27 *SEC. 6. (a) Chapter 1333 of the Statutes of 1968 shall*
28 *not apply to the property commonly known as Treasure*
29 *Island, nor to those portions of the property commonly*
30 *known as Yerba Buena Island consisting of former or*
31 *existing tide and submerged lands. These properties are*
32 *more particularly described as follows:*

33 *All of the land acquired from the City and County of*
34 *San Francisco as described in the Judgement of the*
35 *Declaration of Taking for Civil Action 22164-W filed in*
36 *the District Court of the United States in and for the*
37 *Northern District of California, Southern Division, on*
38 *April 17, 1942, and being more particularly described as*
39 *follows:*

1 *BEGINNING at a monument established near the*
2 *westerly end of Yerba Buena Island by the United States*
3 *Coast and Geodetic Survey about 75 feet above high tide,*
4 *known and designated by said survey as Station Goat,*
5 *located at latitude 37° 48' 40.387" North, longitude 122° 22'*
6 *17.657" West (values as determined by the United States*
7 *Coast and Geodetic Survey as of the year 1930) and*
8 *running thence N 28° W a distance of 8,000 feet, thence*
9 *N 62° E a distance of 4,500 feet, thence S 28° E a distance*
10 *of 8,000 feet, thence S 62° W a distance of 4,500 feet to the*
11 *point of beginning; all bearings being referred to the true*
12 *meridian through said Station Goat, excepting from said*
13 *grant that portion of the lands above particularly*
14 *described, lying northerly of Yerba Buena Island and*
15 *adjacent thereto, extending from high water mark to 900*
16 *feet beyond low water mark, the latter portion so*
17 *expected being a part of the lands granted and ceded by*
18 *the State of California to the United States of America by*
19 *that certain Act of the Legislature of the State of*
20 *California entitled "An Act relinquishing to the United*
21 *States of America the title of this State to certain land",*
22 *approved March 9, 1897.*

23 *ALONG WITH*

24 *All of the tide and submerged land at Treasure Island*
25 *Naval Station acquired from the State of California by the*
26 *United States of America by the Act of Legislature of the*
27 *State of California on March 9, 1897.*

28 *EXCEPTING therefrom that portion of those lands*
29 *granted by this act lying southeasterly of a line shown on*
30 *the Department of the Navy, Naval Facilities*
31 *Engineering Command Real Estate Summary Map*
32 *Having NAVFAC DWG NOs. 1296802 and 1296803, and*
33 *being the boundary between the Treasure Island Naval*
34 *Station and the Lands Owned by the United States Coast*
35 *Guard, said line more particularly described as follows:*

36 *Commencing at a point that bears S 20° 02' W 951 feet*
37 *from a granite monument shown on the above described*
38 *map as point number 102, thence S 03° 50' W 910 feet more*
39 *or less to a point 300 yards beyond the low-water mark*
40 *and being the waterward limits of the tide and*

1 submerged land acquired by the United States of
 2 America by the Act of the Legislature of the State of
 3 California on March 9, 1897, said point being the TRUE
 4 POINT OF BEGINNING of the herein described line;
 5 thence along said line the following courses: N 03° 50' E
 6 910 feet; thence N 39° 54' E 562.54 feet; thence S 80° 35' 16"
 7 E 450.04 feet; thence N 82° 04' 07" E 81.46 feet to a curve
 8 to the left having a radius of 276.66", through a central
 9 angle of 61° 05' 20", along an arc a distance of 294.98 feet;
 10 thence N 6° 49' 07" W 101.83 feet; thence N 02° 14' 18" E
 11 21 feet; thence N 0° 37' 33" E 24.72 feet; thence N 02° 42'
 12 24" W 113.30 feet; thence N 89° 02' E 179.26 feet; thence
 13 along a curve to the left whose radius bears S 71° 57' W 150
 14 feet, through a central angle of 26° 24', along an arc a
 15 distance of 234.99 feet; thence along a curve whose radius
 16 bears S 45° 33' W 43 feet, through a central angle of 67° 33',
 17 along an arc a distance of 50.70 feet; thence along a curve
 18 to the left having a radius of 91 feet, through a central
 19 angle of 83° 09', and having a chord that bears N 26° 25' 30"
 20 E 120.78 feet; thence N 43° 15' 40" E 125.84 feet; thence
 21 along a curve to the right having a radius which bears N
 22 51° 39' E 200 feet, through a central angle of 69° 45', along
 23 an arc a distance of 243.47 feet; thence N 51° 29' E 130 feet;
 24 thence S 80° 27' 26" E 156.06 feet; thence N 53° 13' 15" E
 25 274.53 feet; thence S 02° 49' 34" W 574.47 feet; thence S 15°
 26 38' 44" E 241.28 feet; thence S 84° 12' W 25 feet; thence S
 27 05° 48" E 40.4 feet; thence N 85° 00' E 900 feet more or less
 28 to a point three hundred yards beyond the low water
 29 mark of San Francisco Bay being the waterward limit of
 30 the tide and submerged land acquired by the United
 31 States of America by the Act of Legislature of the State of
 32 California on March 9, 1897.

33 EXPECTING THEREFROM those lands described in
 34 the Executive Order dated November 6, 1850, for Yerba
 35 Buena Island (Goat Island) situated upland from the
 36 Ordinary High Water Mark of San Francisco Bay.

37 (b) All of the State of California's right, title and
 38 interest, acquired by virtue of its sovereignty, in and to
 39 the Trust Property, together with all improvements,
 40 facilities, rights, privileges and appurtenances connected

1 *therewith or in any way appertaining thereto, is hereby*
2 *granted in trust to and vested in the Authority, subject to*
3 *the terms and conditions specified in this act. The lands*
4 *shall be held by the Authority and its successors in trust*
5 *for the benefit of all the people of the state for purposes*
6 *of commerce, navigation, and fisheries, and for other*
7 *public trust purposes, as more particularly provided in*
8 *this act.*

9 *(c) There is reserved in the people of the State of*
10 *California the right to hunt and fish in and over the waters*
11 *on the Trust Property, together with the right of*
12 *convenient access to the waters over the Trust Property*
13 *for those purposes.*

14 *(d) There is excepted from the grant made in*
15 *subdivision (b) and reserved to the State of California all*
16 *subsurface mineral deposits, including oil and gas*
17 *deposits, together with the right of ingress and egress on*
18 *the Trust Property for exploration, drilling, and*
19 *extraction of such mineral, oil and gas deposits. Those*
20 *mineral rights, including the right of ingress and egress,*
21 *shall not be exercised in a manner that would disturb or*
22 *otherwise interfere with any lease, franchise, permit or*
23 *license of or on the Trust Property; provided, however,*
24 *that any lease, franchise, permit or license of property*
25 *contain a provision specifying at least one point from*
26 *which and the manner in which the right of ingress or*
27 *egress to said subsurface deposits may be exercised, which*
28 *point or points may be outside the area of the leasehold,*
29 *franchise, permit or license, provided the point or points*
30 *are adequate to permit the rights reserved to the state to*
31 *be exercised.*

32 *(e) There is also excepted from the grant made in*
33 *subdivision (b) any property or interest in property,*
34 *whether real or personal, owned by or under the*
35 *jurisdiction or control of the Department of*
36 *Transportation. The Trust Property shall remain subject*
37 *to any requirements of the Department of*
38 *Transportation for future rights-of-way, easements, or*
39 *material for the construction, location, realignment,*
40 *expansion or maintenance of bridges, highways or other*

1 transportation facilities without compensation, except as
2 follows:

3 (1) Compensation shall be made to the Authority for
4 any property taken that was originally acquired by the
5 Authority for valuable consideration.

6 (2) In the event improvements, betterments or
7 structures have been placed upon the Trust Property by
8 the Authority, compensation shall be made to the
9 Authority for the value of the improvements,
10 betterments, or structures taken.

11 (3) Holders of a lease, franchise, permit or license to
12 use or occupy a portion of the Trust Property which has
13 been taken pursuant to this section shall be given the
14 same compensation that they would receive under an
15 eminent domain proceeding.

16 (f) In the management, conduct, operation and
17 control of the Trust Property or any improvements,
18 betterments, or structures thereon, the authority or its
19 successors shall make no discrimination in rates, tolls or
20 charges for any use or serve in connection therewith.

21 (g) The State of California shall have the right to use
22 without charge any transportation, land or storage
23 improvements, wharves, slips, betterments or structures,
24 constructed upon the Trust Property, for any vessel or
25 other watercraft, aircraft, or railroad owned or operated
26 by the State of California.

27 SEC. 7. The Authority shall have complete power to
28 use, conduct, operate, maintain, manage, administer,
29 regulate, improve, lease, and control the Trust Property
30 and to do all things necessary in connection therewith
31 which are in conformance with the terms of this act and
32 the public trust for commerce, navigation and fisheries
33 upon which the lands are held, including, without
34 limitation, all of the following:

35 (a) Acquiring, exchanging and conveying real and
36 personal property of every kind necessary for the full or
37 convenient exercise of its powers, consistent with the
38 public trust and subject to the limitations of this act.

39 (b) Constructing, erecting, maintaining, repairing,
40 operating, developing and regulating all improvements,

1 utilities, facilities, equipment, piers, parking areas,
2 streets, highways, bridges, pedestrian ways, landscaped
3 areas, public buildings, public assembly and meeting
4 places, convention centers, parks, museums,
5 playgrounds, and public recreation facilities, including,
6 without limitation, public golf courses, marinas,
7 restaurants, hotels, commercial recreation facilities,
8 entertainment facilities and attractions, and any other
9 works, buildings, facilities, utilities, structures and
10 appliances incidental to or necessary or convenient for
11 the promotion and accommodation of the purposes of the
12 public trust and this act, or or about the Trust Property.

13 (c) Promoting the public use of the Trust Property and
14 encouraging private investment in the development of
15 the Trust Property for the foregoing uses in the public
16 interest, through advertising or such other means as may
17 be reasonable and appropriate.

18 (d) Providing services reasonably necessary to the
19 carrying out of the foregoing uses and purposes. As to any
20 service which the Authority is authorized to perform
21 pursuant to the provisions of this act, the Authority may
22 contract for the performance of such services by the City
23 and County of San Francisco or any agencies thereof,
24 including the Port Commission.

25 SEC. 8. (a) The Authority shall not at any time grant,
26 convey, give or alienate the Trust Property, or any part
27 thereof, to any individual, firm or corporation, except
28 that the Authority may grant franchises, permits,
29 privileges, licenses, easements, or leasehold interests
30 (collectively referred to as "leases" hereinafter) thereon
31 for limited periods, not to exceed 66 years.

32 (b) Any leases for use of the Trust Property shall be
33 solely for uses that are consistent with or ancillary to the
34 purposes of the public trust for navigation, commerce and
35 fisheries, provided that leases may be granted for other
36 uses where the Authority makes the following
37 determinations:

38 (1) There is no immediate trust related need for the
39 property proposed to be leased.

1 (2) *The proposed lease is of a duration of no more than*
2 *five years and can be terminated in favor of trust uses as*
3 *they arise; except that the existing hangars, or portions*
4 *thereof, may be leased for up to five years without a right*
5 *of termination in favor of trust uses.*

6 (3) *The proposed lease prohibits the construction of*
7 *new structures or improvements on the subject property*
8 *that could, as a practical matter, prevent or inhibit the*
9 *property from being converted to any permissible trust*
10 *use should the property become necessary therefore.*

11 (4) *The proposed use of the leased property would not*
12 *interfere with commerce, navigation or any other*
13 *existing trust uses or purposes.*

14 SEC. 9. (a) *Notwithstanding any other provision of*
15 *this act, existing buildings or structures on the Trust*
16 *Property which are incapable of being devoted to trust*
17 *purposes may be used for other purposes, consistent with*
18 *the reuse plan for the Trust Property, for the remaining*
19 *useful life of such buildings or structures. Buildings and*
20 *structures on the Trust Property that are incapable of*
21 *being devoted to trust purposes are those constructed for*
22 *nontrust purposes while the Trust Property was under*
23 *federal ownership, including, but not limited to, the*
24 *existing housing units, the brig, the building proposed for*
25 *use as a police academy, and the school.*

26 (b) *The Authority and the State Lands Commission*
27 *shall, by agreement, establish the remaining useful life of*
28 *the buildings and structures described in subdivision (a),*
29 *either individually or by category, provided that in no*
30 *case shall the useful life of any building or structure be*
31 *deemed to extend less than 25 years or more than 40 years*
32 *from the effective date of this act.*

33 (c) *The maintenance and repair of any of the existing*
34 *buildings or structures described in subdivision (a), and*
35 *any structural or other alterations necessary to bring such*
36 *buildings or structures into compliance with applicable*
37 *federal, state, and local health and safety standards,*
38 *including but not limited to seismic upgrading, shall be*
39 *permitted, provided such activities will not enlarge the*

1 footprint or the size of the shell of such buildings or
2 structures.

3 SEC. 10. (a) All money received or collected by the
4 Authority from or arising out of the use or operation of the
5 Trust Property, including all revenues derived from
6 leases, permits, franchises, privileges, licenses,
7 easements, and rights to use or occupy the Trust
8 Property, shall be deposited by the Authority into a
9 special fund to be maintained by the Authority (the
10 Treasure Island Trust Fund). The money in or belonging
11 to the Treasure Island Trust Fund may be used only for
12 uses and purposes consistent with the public trust for
13 navigation, commerce, and fisheries.

14 (b) An annual statement of financial conditions and
15 operations shall be prepared by the Authority and
16 submitted to the State Lands Commission each year on or
17 before October 1. The statement shall include a
18 statement of all revenues and expenditures related to
19 trust lands and trust assets, including obligations incurred
20 but not yet paid.

21 SEC. 11. (a) The Authority may exchange certain
22 portions of the trust property with any state agency,
23 political subdivision, person, entity, or corporation, or the
24 United States or any agency thereof, for other lands,
25 whenever the Authority determines and the State Lands
26 Commission adopts a resolution declaring and finding all
27 of the following:

28 (1) The portions of the Trust Property to be
29 exchanged have been filled and reclaimed, are cut off
30 from access to the waters of San Francisco Bay, are no
31 longer needed or required for the promotion of the public
32 trust for commerce, navigation, and fisheries, and
33 constitute a relatively small portion of the lands originally
34 granted to the City and County of San Francisco under
35 the Burton Act (Chapter 1333 of the Statutes of 1968).

36 (2) The lands to be acquired by the Authority have a
37 value equal to or greater than the value of the lands for
38 which they are to be exchanged and are useful for the
39 particular trust purposes authorized by this act.

1 (3) No substantial interference with trust uses and
2 purposes will ensue by virtue of the exchange.

3 (b) Upon adoption of the resolution by the State Lands
4 Commission, the lands granted by the Authority shall
5 thereupon be free from the public trust for commerce,
6 navigation, and fisheries, and the lands received in
7 exchange shall be held subject to the public trust and to
8 the terms of this act.

9 (c) Exchanges made pursuant to this section are
10 hereby found to be of statewide significance and
11 importance, and, therefore, any ordinance, charter
12 provision, or other provision of local law inconsistent with
13 this section shall not be applicable to the exchange.

14 SEC. 12. If the Authority is dissolved, by operation of
15 law or otherwise, the Trust Property, together with any
16 and all improvements thereon, and the management,
17 conduct and operation of and jurisdiction over the Trust
18 Property, shall revert and be conveyed to and vest in the
19 City and County of San Francisco, acting by and through
20 its Port Commission, subject to the public trust for
21 commerce, navigation, and fisheries, and the
22 requirements of the Burton Act (Chapter 1333 of the
23 Statutes of 1968), and the remainder of the property shall
24 be conveyed to the City and County of San Francisco.

25 SEC. 13. (a) The state reserves the right to amend,
26 modify, or revoke any and all rights to the Trust Property
27 granted to the Authority under this act.

28 (b) For purposes of this section, the term “bonds”
29 includes, without limitation, lease revenue bonds and
30 other bonds, lease financing arrangements, and
31 certificates of participation.

32 (c) No amendment, modification, or revocation, in
33 whole or in part, of the transfer of the Trust Property in
34 trust provided for in this act shall impair or affect the
35 rights or obligations of third parties, including the holders
36 of bonds or securities, lessees, lenders for value, holders
37 of contracts, conferring the right to the use or occupation
38 of, or the right to conduct operations upon or within, the
39 Trust Property, arising from leases, contracts, or other

1 *instruments lawfully entered into prior to the effective*
2 *date of such amendment, modification, or revocation.*

3 *(d) In the event, at the effective date of any such*
4 *amendment, modification, or revocation, there are in*
5 *effect any such leases, contracts, or other instruments, the*
6 *state may, at its option exercised by and through the State*
7 *Lands Commission, succeed to the interest in any such*
8 *instrument of the Authority; otherwise the interest of the*
9 *Authority in any instrument then in effect shall continue*
10 *during the term or other period of time during which*
11 *instrument shall remain in effect, and provided further*
12 *that in any event all bonds or securities issued by the*
13 *Authority and payable out of revenues of the Trust*
14 *Property shall continue to be so payable, directly or*
15 *indirectly, and secured in all respects as provided in the*
16 *proceedings for their issuance, and the revenues of the*
17 *property shall be pledged and applied to the payment of*
18 *such bonds or securities in all respects as though no*
19 *amendment, modification, or revocation had taken place.*

